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## CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

April Dowden  
 Type or print name of person signing certification  
April Dowden 07 July 2006  
 Signature Date

571-273-8300

**PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Applicant: CONNER, Scott Eugene

Group Art Unit:

Serial No.: 10/540341

Examiner:

Application Date: December 31, 2003

Conf No.: 1424

For: HETEROCYCLIC PPAR MODULATORS

Docket No.: X-15463

**RESPONSE TO NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR**  
**PATENT APPLICATIONS CONTAINING NUCLEOTIDE AND/OR AMINO ACID**  
**SEQUENCE DISCLOSURES**

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated 27 February 2006, Applicants respectfully request consideration of the accompanying remarks.

No nucleotide or amino acid sequence is disclosed or claimed by the above-captioned application. Thus, Applicants maintain that no sequence listing submission or computer readable submission is required.

Filed concurrent with this Response is a Request for an Extension of Time to respond to this Office Action. Additionally, please provide any extensions of time that may be necessary and charge any fees that may be due to Deposit Account No. 05-0840.

07/10/2006 ZJUHAR1 00000017 050840 10540341

01 FC:1253 1020.00 DA

Serial Number: 10/540341

Please direct any questions regarding this application to the attorney below.

Respectfully submitted,

*MaCharri Vondran-Jones*

MaCharri Vondran-Jones

Attorney for Applicants

Registration No. 36,711

Phone: 317-276-1665

Eli Lilly and Company  
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P.O. Box 6288  
Indianapolis, Indiana 46206-6288

7 July 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/540,341	Scott Eugene Commer	X-15463
INTERNATIONAL APPLICATION NO.		
PCT/US03/39119		
LA. FILING DATE	PRIORITY DATE	
12/31/2003	01/06/2003	
CONFIRMATION NO. 1424		
371 FORMALITIES LETTER		
DRAFTSMAN'S CERTIFICATION "0000000018131136"		

25885  
 ELI LILLY & COMPANY  
 PATENT DIVISION  
 P.O. BOX 6288  
 INDIANAPOLIS, IN 46206-6288

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ELI LILLY AND COMPANY  
 Patent Division

Date Mailed: 02/27/2006

Due 4-27-2006

**NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
 CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(b).

- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c). Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0551
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5).

*A copy of this notice MUST be returned with the response.*

**BARBARA A CAMPBELL**

Telephone: (703) 308-9140 EXT 217

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/540,341	PCT/US03/39119	X-15463

FORM PCT/DO/EO/822 (371 Formalities Notice)

JUL 7 - 2008

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Please type a plus sign (+) inside this box →		Complete if Known	
FEE TRANSMITTAL		Serial No.	10/540341
Effective December 8, 2004		Application Date	December 31, 2003
		US Nat'l Entry Date (if applicable)	
		First Named Inventor	MANTLO Nathan Bryan
		Group Art Unit	
		Examiner Name	
		Conf. No.	
		Attorney Docket Number	X15463
TOTAL AMOUNT OF PAYMENT (\$1020.00)		FEE CALCULATION (continued)	
METHOD OF PAYMENT (check one)		3. ADDITIONAL FEES	
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:  Deposit Account Number: 05-0840  Deposit Account Name: Eli Lilly and Company		Large Entity Fee Code	Fee Description
<input checked="" type="checkbox"/> Charge Any Additional Fee Required		1051	Surcharge-late filing fee or oath
		1052	Surcharge-late provisional filing fee or cover sheet
		1053	Non-English specification
		1251	Extension for reply within first month
		1252	Extension for reply within second month
		1253	Extension for reply within third month
		1254	Extension for reply within fourth month
		1255	Extension for reply within fifth month
		1401	Notice of Appeal
		1402	Filing a brief in support of an appeal
		1452	Petition to revive-unavoidable
		1453	Petition to revive-unintentional
		1502	Utility issue fee (or reissue)
		122	Petitions to the Commissioner
		1601	Request for Continued Examination (RCE)
FEE CALCULATION		Fee Paid	
1. In connection with the filing, search and exam fees		1020.00	
Code	Description	Fee	Fee Paid
1011	Basic filing fee (Utility)	\$300.00	
1111	Utility search fee	\$500.00	
1311	Utility examination fee	\$200.00	
SUBTOTAL (1) (\$0.00)			
Code	Total Claims	Extra	Fee Paid (\$)
1202	— 20 =	X 50 =	\$
Independent claims		Other fee (specify)	
1201	— 3 =	X 200 =	\$
Multiple Dependent Claim Yes or No 360 = \$ (if yes)		Other fee (specify)	
1203			
Claims and Excess Length Fees		Other fee (specify)	
1081	Total length (spec + drawings) — 100 = excess pages	\$	
No extra charge for first 100 pages. Must pay \$250 for each addl 50 pages (or fraction thereof).			
SUBTOTAL (2) (\$0.00)		SUBTOTAL (3) (\$1020.00)	
SUBMITTED BY			Complete (if applicable)
Typed or Printed Name Signature	Maccharri Verndran-Jones		Reg. Number 36,711
	Date		